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Toronto. Board of Trade.

THE BOARD OF TRADE OF THE CITY OF TORONTO



Toronto, November 8, 1937.

The Honourable Mr. Justice E. R. E. Chevrier,
Chairman, and Members of the
Commission re Operating and Transporting
Freight and Passengers by Motor Vehicles.

Your Honour and Gentlemen:

The Board of Trade of the City of Toronto, an organization composed of some two thousand five hundred members engaged in all phases of commerce, industry and finance, appreciates the opportunity of placing before your Commission its views with respect to the regulation of public commercial vehicles in the Province of Ontario.

In co-operation with other interested bodies, this Board has for a number of years advocated a reasonable measure of control and regulation of the operation of public commercial vehicles in the interests of the users of such vehicles and of the stabilization of the industry itself. These efforts met with partial success with the enactment of "The Public Commercial Vehicle Act, 1934" which was replaced by "The Commercial Vehicle Act, 1936" and the passing of "Regulations respecting the Licensing of Public Commercial Vehicles" by Order-in-Council in February, 1936. This legislation and the regulations provide, amongst other things, for licensing; agency authority, certificate of public necessity; fees; insurance; bill of lading; the publication, filing and posting of tariffs of tolls, and the payment of tolls; hours of labour and wages. In the opinion of this Board these requirements are most essential and should be not only retained but strictly enforced. In addition, certain of the powers conferred upon the Lieutenant-Governor-in-Council, upon the recommendation of the Minister of Highways, of which advantage has not yet been taken, should be implemented at the earliest possible date as hereinafter recommended.

Although The Board of Trade of the City of Toronto includes in its membership practically all classes of persons concerned with the operation and use of public commercial vehicles, certain of these groups, such as the operators especially, are organized outside of the Board for the purposes of their particular business and, it is understood, will make their representations to your Commission direct. This Board, therefore, as representing shippers and receivers of goods and merchandise, is primarily concerned with the tariffs, tolls and rates to be charged for the service performed and their application, without discrimination, between persons or localities.

With respect to the licensing of public commercial vehicles to operate within the Province, it is the opinion of this Board that one of the present difficulties in the stabilization of the industry can be overcome by a licensing system which will eliminate unnecessary duplication of service and wasteful competition by ensuring that further licenses will only be issued upon proof that the existing transportation facilities, in the area or between the points to which the application relates, are inadequate having regard to the traffic available.

For the further stabilization of the industry and to ensure proper quality of service, it is respectfully recommended that under the authority of Section 8, Subsection (e) of the Commercial Vehicle Act, 1936, regulations be issued to the following effect:-

Classification of Freight

1. That a classification of freight be approved by the Department of Highways (or other authority) and officially authorized for general and uniform use throughout the Province.
2. That no changes or amendments be made in the classification, so authorized, without first receiving the official approval of the Department (or other authority) and be published in a supplement to, or reissue of, the classification.

Schedule of Rates and Charges

3. That every operator of a public commercial motor vehicle for the transportation of freight shall publish schedules of rates and charges, together with the rules and regulations in connection therewith, and file same with the Department (or other authority) under such rules and conditions as the Department (or other authority) may direct from time to time.
4. That the rates charged shall be those published in the schedules on file with the Department (or other authority) and shall not be varied from except by the proper publication and filing of another schedule upon such notice as may be required by the Department (or other authority) and that under such schedules carriers shall accept and carry freight offered to them without undue discrimination between customers or commodities.
5. That all tolls shall always under substantially similar circumstances and conditions in respect of all traffic of the same description, and carried in or on like kind of vehicles passing over the same highway or route, be charged equally to all persons at the same rate whether by weight, mileage or otherwise, and that no reduction or advance in any such tolls shall be made, either directly or indirectly, in favour of or against any person using the service.

Penalties

6. That penalties be provided for any person who tenders goods for transportation, or any carrier transporting them, who knowingly or wilfully by false billing, false classification, false weighing, false representation of the contents of the package, or false report of weight or by any other device or means obtains or gives transportation for such goods at less than the regular tolls then authorized and in force.

Disallowance of Toll

7. That the Department (or other authority) may disallow any toll which for the like description of goods carried under substantially similar circumstances and conditions in the same direction over the same highway or route is greater for a shorter than for a longer distance within which such shorter distance is included, unless the Department (or other authority) is satisfied that owing to competition it is expedient to allow such toll.

Accounts and Returns

8. That carriers shall keep accounts and render returns as may be prescribed, from time to time, by the Department (or other authority).
9. That as the Ontario Municipal Board, under the provisions of the Commercial Vehicles Act, 1936, now deals with the issuance of certificates of public necessity and convenience to public commercial operators before licenses to operate may be secured from the Department of Highways, that Board be further empowered to properly supervise and deal with the publication and filing of tariffs, etc., and other matters pertaining to their application and enforcement without unjust discrimination or preference as between shippers, and to act as a court to which applicants may submit complaints and obtain redress.

Respectfully submitted,

The Board of Trade of the City of Toronto

F. D. TOLCHARD
General Manager.

J. J. GIBBONS
President.

